

## PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

### CHAPTER 6 – BIDDING & CONSTRUCTION ADMINISTRATION SERVICES

#### 1.0 Bidding Services

- 1.1. Bidding process will follow the guidelines set forth in Part A - Chapter 6.

#### 2.0 When Bids Exceed Allocated Funds

- 2.1. Should the lowest qualified bid exceed the approved construction funding identified on the Form 305 - Front End Data, the Project Architect/Engineer shall consult with the project team to determine how to proceed.
- 2.2. If the decision is made to modify and revise the bid documents for re-bidding, the Project Architect/Engineer shall, **without** additional compensation, modify and revise the bid documents as needed for re-bidding.
- 2.3. The revised bid documents shall be submitted as directed by the state agency and DCC and shall follow the submittal requirements in Part A - Chapter 6 of this manual.
- 2.4. If a project is rebid or re-issued due to errors and omissions by the Project Architect/Engineer and/or the firm's consultants, the Project Architect/Engineer may be required to pay for the use of the on-line service, printing and shipping costs associated with the re-issuance of the bid documents.

#### 3.0 Construction Administration - General Information

- 3.1. The Project Architect/Engineer shall have primary responsibility for the inspection of the project, and shall represent the Owner and advise and consult the project team in the administration of the construction contract or contracts. ([K.S.A. 75-1260](#))
- 3.2. The Project Architect/Engineer shall keep the project team informed and aware of all construction activity, requesting assistance when necessary.
- 3.3. DCC encourages the Project Architect/Engineer to process all paperwork electronically unless otherwise directed. Electronic and digital signatures are acceptable on these documents.

#### 4.0 Project Construction Meetings

- 4.1. The Project Architect/Engineer shall coordinate scheduling a pre-construction conference with the Contractor, and state agency representatives.
  - 4.1.1. The Contractor's subcontractors and suppliers, the Project Architect/Engineer's consultants, and DCC inspectors shall be invited to the pre-construction conference.
  - 4.1.2. Use DCC Form 430 Pre-construction Conference Agenda, available at <http://www.da.ks.gov/fp/manual.htm#PlanningForms>.
- 4.2. The Project Architect/Engineer shall coordinate and conduct progress meetings to review the status, schedule and quality of work for compliance with contract documents.
  - 4.2.1. The Project Architect/Engineer may delegate the handling of the progress meeting to the Contractor when approved by the agency representative.

- 4.2.2. The Project Architect/Engineer is responsible for preparing and distributing meeting minutes for any meeting held for a project.
- 4.2.3. At no additional cost to the Owner, the Project Architect/Engineer shall attend other meetings as required by the state agency or DCC to resolve problems.
- 4.2.4. The Project Architect/Engineer shall coordinate any additional meetings with DCC representatives prior to scheduling.

### 5.0 Shop Drawings

- 5.1. The Project Architect/Engineer shall within 10 working days of receipt, review and approve shop drawings of fabricators and manufacturers, and samples of materials for conformance with the drawings and specifications and only submit copies of approved shop drawings to the Contractor, the state agency and DCC during construction.
- 5.2. Elevator, sprinkler, fire alarm shop drawings and deferred submittals are required to be submitted to DCC for review and shall follow requirements in Part A - Chapter 4.
- 5.3. All other **approved** shop drawings for large projects will be delivered to DCC in .PDF format, with record document submittal reference Part A – Chapter 4, except for full service projects. Approved shop drawings for full service projects shall be forwarded in PDF format during construction and may be e-mailed.
- 5.4. During the shop drawing submittal phase, substitutions for only discontinued products may be submitted for approval. No other substitutions can be submitted for approval after the “request for substitution” period during the bidding phase has passed.
- 5.5. The Project Architect/Engineer shall ensure that all security related shop drawings are returned to the Owner.

### 6.0 Project Architect/Engineer Inspections

- 6.1. At a minimum, provide the following inspection services:
  - 6.1.1. Conformance with the contract documents.
  - 6.1.2. Upon recommendation by the Project Architect/Engineer, the state agency and DCC, the Secretary of Administration may issue a stop work order to the Contractor whenever the Secretary determines that the work does not comply with the contract documents. ([K.S.A. 75-3783 \(a\), \(3\)](#)).
  - 6.1.3. Inspection of site utilities prior to any utility being buried.
  - 6.1.4. Inspection of above ceiling work and work in concealed spaces prior to the spaces being covered up.
  - 6.1.5. Inspection of each life safety item or system.
- 6.2. At each payment application, review the Contractor's record documents to verify Contractor is tracking changes made during construction.
- 6.3. Prepare and distribute field reports.
- 6.4. The Project Architect/Engineer may request compensation for additional inspections when required by an adjustment to the completion time of the contract, requested by the state agency

or required by unusual project requirements.

### 7.0 DCC Code Inspections

7.1. DCC performs specific code compliance inspections on all projects for the Secretary of Administration. Reference Part A - Chapter 5 of this manual for required inspections.

7.1.1. When a code problem is identified, the DCC inspector will contact the Project Architect/Engineer and the DCC architect/engineer for resolution. All code issues will be documented on the DCC inspector's inspection report.

7.2. DCC performs specific code compliance inspections and periodic project inspections on full service projects.

### 8.0 Duties of the Project Architect/Engineer During Construction

8.1. The Project Architect/Engineer is responsible for the minutes of each project meeting throughout construction and shall promptly forward typed copies of the minutes to the project team for review and approval.

8.2. The Project Architect/Engineer shall provide responsible Construction Administration.

8.3. The Project Architect/Engineer shall determine the amount, quality, acceptability and fitness of the several kinds of work and materials which are provided under this Contract and shall decide all questions which may arise in relation to said Work and the construction thereof. In case any question shall arise between the parties hereto relative to said Contract or Specifications, the determination or decision of the Project Architect/Engineer shall be a condition precedent to the right of the Contractor to receive any money or payment for work under this Contract affected in any manner or to any extent by such question.

8.4. The Project Architect/Engineer shall decide the meaning and intent of any portion of the Contract Documents where the same may be found obscure or be in dispute. Any differences or conflicts in regard to their work which may arise between the Contractor under this Contract and other Contractors performing work on this Project for the Owner shall be adjusted and determined by the Project Architect/Engineer.

8.4.1. The Project Architect/Engineer shall respond with 10 working days to requests from the Contractor for information and interpretations, so that the construction schedule is not adversely affected. All requests for information and interpretation from the Contractor shall be documented in writing and distributed to the Contractor, state agency representatives and DCC.

8.4.2. The Project Architect/Engineer shall issue field orders to the Contractor for adjustments or changes in work. All field orders shall be documented in writing and distributed to the Contractor, state agency representatives and DCC.

8.5. The Project Architect/Engineer is the interpreter of the conditions of the Contract and the judge of its performance; as such, he shall side neither with the Owner nor with the Contractor, but shall use his powers under the Contract to enforce its faithful performance by both.

8.6. He shall, within a reasonable time, act on submittals and make decisions on all matters relating to the progress of the Work or the interpretation of the Contract Documents.

8.7. The Project Architect/Engineer's decisions are subject to review by the Director of the Office of Facilities and Procurement Management.

- 8.7.1. All claims must be brought to the attention of the Director within ten (10) days of the Project Architect/Engineer's decision which is being reviewed. The Director or his designee shall meet with the Contractor and Project Architect/Engineer to hear the positions of both parties. The director may designate alternative procedures to receive and review the positions of the parties. If a negotiation committee was assembled to select the Project Architect/Engineer, the director may delegate the decision making power to those individuals. The director, his designee or the Negotiating Committee shall render a decision within thirty (30) days of the hearing.

### 9.0 Contractor Partial Payment Applications

- 9.1. The Project Architect/Engineer shall review the Contractor's partial application for payment for accuracy of the amount requested and the status of the on-site record documents. Undisputed requests for payment shall be approved and forwarded to the Owner within seven (7) days of receipt.
  - 9.1.1. The schedule of values submitted by the Contractor should include a line item for record documents.
  - 9.1.2. When recommending the partial application for payment, the Project Architect/Engineer shall sign and forward the application to the state agency, and send a copy to DCC by e-mail.
  - 9.1.3. The state agency will submit all approved partial payment applications for payment and forward a copy to DCC.
  - 9.1.4. After verification of funds, a warrant will be printed and forwarded to the Contractor.
- 9.2. If the Project Architect/Engineer does not approve a partial payment the Contractor shall be notified within seven (7) days of receipt and given a choice of resubmitting the application with correct information, or agreeing to hold the application until work is at the level indicated on the application.
- 9.3. All submittals shall be identified with DCC project number including submittals indicated in this chapter as well as ancillary service projects, miscellaneous studies/reports or other provided professional design services. The DCC project number shall be used on all correspondence, drawings, specifications, billings, shop drawings and other documents transmitted to DCC and shall be provided in the subject line of e-mails sent to DCC.

### 10.0 Construction Contract Change Orders

- 10.1. All submittals shall be identified with DCC project number including submittals indicated in this chapter as well as ancillary service projects, miscellaneous studies/reports or other provided professional design services. The DCC project number shall be used on all correspondence, drawings, specifications, billings, shop drawings and other documents transmitted to DCC and shall be provided in the subject line of e-mails sent to DCC.
- 10.2. The Project Architect/Engineer shall prepare and sign change orders with 10 working days from the date of acceptance by the Owner unless otherwise agreed to by the Contractor. Form 460 - Contract Change Order and Form 461 - Change Order Continuation Sheet are available at <http://www.da.ks.gov/fp/manual.htm#PlanningForms>.
- 10.3. The Contractor is not obligated to complete work added by change order prior to the full approval of the change order.

- 10.4. The Project Architect/Engineer shall provide one (1) copy of the change order and all back up information for routing and signature by the designated parties via e-mail.
- 10.5. All change order items shall be related to the original scope of work (i.e. unforeseen conditions, errors, omissions, etc.) and have prior approval from the state agency.
- 10.6. Prior approval from DCC is required for building code and accessibility issues.
- 10.7. Multiple items may be included on each change order.
- 10.8. All change orders greater than \$125,000 shall be reported to the Joint Committee on State Building Construction (JCSBC) by DCC on behalf of the Secretary of Administration. Please refer to the statute for the procedures. ([K.S.A. 75-1264](#))
  - 10.8.1. Failure to notify DCC as soon as possible of a change order over \$125,000 may result in a delay of change order approval.
  - 10.8.2. Such change orders will be signed by DCC after they have been reviewed by the JCSBC.
  - 10.8.3. Attendance by the agency representatives and the Project Architect/Engineer at the presentation of the change order to JCSBC may be required.
- 11.0 Substantial Completion
  - 11.1. All forms mentioned below are available at <http://www.da.ks.gov/fp/manual.htm#PlanningForms>.
  - 11.2. The Project Architect/Engineer shall determine substantial completion (or partial substantial completion) by conducting a joint inspection with the Contractor, state agency representatives and DCC representatives as applicable for full service projects.
  - 11.3. When found substantially complete the Project Architect/Engineer shall prepare a punch list of incomplete items or deficiencies and shall include a date for each item to be finished.
  - 11.4. Within two working days the Project Architect/Engineer shall distribute one (1) signed copy of Form - 570 Certificate of Substantial Completion to the Contractor, state agency representatives and DCC. A punch list must accompany this form when being routed for signatures.
    - 11.4.1. When all signatures are affixed to this document, it will be scanned and distributed to each signee.
    - 11.4.2. Issuance of the Substantial Completion Certificate shall not be construed to permit occupancy. Occupancy is permitted only when DCC issues the Certificate of Occupancy as noted in Chapter 7.
  - 11.5. It is the Project Architect's/Engineer's responsibility to ensure that punch list items are finished in a timely manner and to conduct an inspection with all parties to verify that all punch list items are finished.
  - 11.6. When agencies request substantial completion for a portion of a construction or renovation project, the same procedures above will apply. When issuing the substantial completion form the Project Architect/Engineer should note and describe on the form, the area being inspected as "partial substantial completion".

### 12.0 Occupancy

- 12.1. Installation, testing, correction, and retesting of all life safety systems included in the project must be approved by DCC prior to the issuance of the Certificate of Occupancy by DCC.
- 12.2. Reference Part A – Chapter 5 for additional information about the Certificate of Occupancy.

### 13.0 Project Completion and Final Payment

- 13.1. The project is complete when the Project Architect/Engineer determines the construction is in accordance with the contract documents and the following items are complete.
- 13.2. Reference the Form 560 - Project Closeout Checklist for the list of items required for Project Completion.
- 13.3. The Project Architect/Engineer prepares and forwards one (1) signed copy of the signed Certificate of Form 571 - Project Completion / Affidavit of Contractor and Form 560 – Project Closeout Checklist to the Contractor.
- 13.4. The Contractor shall sign the Certificate / Affidavit and forward it with one (1) signed copy of the final payment application and closeout checklist Form 560 – Project Closeout Checklist to the Project Architect/Engineer.
  - 13.4.1. It is the responsibility of the Project Architect/Engineer to forward to DCC a copy of Form 571 for signature and the final application for payment.
- 13.5. The Project Architect/Engineer shall review the final payment application.
  - 13.5.1. If approved, the Project Architect/Engineer will sign and forward the final payment application it along with Form 571 - Certificate of Project Completion / Affidavit of Contractor and Form 560 - Closeout Checklist to the state agency for processing.
  - 13.5.2. If not approved, the Project Architect/Engineer will notify the Contractor to resubmit.
- 13.6. After signing the above documents, the state agency processes the payment electronically and forwards the documents to DCC for signing and distribution.
- 13.7. The distribution of these documents will be via e-mail to the Contractor and the agency contact on file with DCC. It is up to the Contractor and the agency representative to forward the documents to others in their organization that need copies.
- 13.8. When the Certificate of Project Completion is signed by all parties, the state agency assumes responsibility for maintenance, custodial care and utilities for the premises not previously accepted under prior Certificate(s) of Partial Occupancy.

### 14.0 Post-Construction Services

- 14.1. The Project Architect/Engineer shall complete a Contractor evaluation on each project, used by DCC in the Contractor pre-qualification process. The form is available at <http://www.da.ks.gov/fp/manual.htm#PlanningForms>.
- 14.2. The Project Architect/Engineer shall include all shop drawing submittals with a complete set of record documents to DCC within three months of project completion and per Part A – Chapter 4.
- 14.3. The Project Architect/Engineer shall be available during the one-year expressed warranty period to assist the state agency and DCC should problems develop.

- 14.4. The Owner will schedule the 9-month inspection and the Project Architect/Engineer will attend this inspection.

**END OF CHAPTER**